

Panaji, 16th August, 2002 (Sravana 25, 1924)

SERIES I No. 20

OFFICIAL GAZETTE



GOVERNMENT OF GOA

SUPPLEMENT

GOVERNMENT OF GOA

Goa Legislature Secretariat

LA/F-2/3556/2002

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 13th August, 2002 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Panchayat Raj (Sixth Amendment) Bill, 2002

(Bill No. 6 of 2002)

A

BILL

Further to amend the Goa Panchayat Raj Act, 1994.

BE it enacted by the Legislative Assembly of the State of Goa in the Fifty-third Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Panchayat Raj (Sixth Amendment) Act, 2002.

(2) It shall be deemed to have come into force on the 1st day of April, 2002.

2. *Amendment of section 48.*— For section 48 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994) (hereinafter referred to as the "principal Act"), the following shall be substituted, namely:—

"48. *Term of office and conditions of service of Sarpanch, Deputy Sarpanch and directly elected members of the Panchayat.*— (1) The term of office of every Sarpanch and every Deputy Sarpanch of the Panchayat shall, save as otherwise provided in this Act, cease on expiry of his term of office as a member of the Panchayat.

(2) Salary and other conditions of service of Sarpanch, Deputy Sarpanch and directly elected members of the Panchayat shall be as prescribed."

3. *Amendment of section 134.*— For section 134 of the principal Act, the following shall be substituted, namely:—

"134. *Salary and allowances to the Adhyaksha, Upadhyaksha and elected members of the Zilla Panchayat.*— The salary and allowances of the Adhyaksha, Upadhyaksha and elected members of the Zilla Panchayat shall be as prescribed".

4. *Amendment of section 162.*— In section 162 of the principal Act, in sub-section (2), for clause (i), the following shall be substituted, namely:—

"(i) Payment of salaries and allowances to the Sarpanch, Deputy Sarpanch, elected mem-

bers of the Panchayat or members of any committee thereof and the staff of the Panchayat, subject to such rules as may be prescribed."

5. *Amendment of section 168.*— In section 168 of the principal Act, in sub-section (2), for clause (a), the following shall be substituted, namely:—

"(a) Salaries and allowances to the Adhyaksha, Upadhyaksha and elected members of the Zilla Panchayat or members of any committee thereof and travelling and daily allowances to the Adhyaksha and Upadhyaksha for tours outside the district, subject to such rules as may be made in this behalf by the Government".

Statement of Objects and Reasons

The existing provisions contained in the Goa Panchayat Raj Act, 1994 (Act 14 of 1994), do not entitle the members elected on the Panchayat or Zilla Panchayat for salaries.

The present Bill seeks to provide for payment of salaries and allowances to the directly elected members of the Zilla Panchayats including the Adhyaksha, Upadhyaksha and directly elected members of the Village Panchayats including the Sarpanch and Deputy Sarpanch by amending sections 48 and 134 of the said Act, suitably.

The Bill also seeks to amend sections 162 and 168 of the said Act so as to do away with the provisions relating to sitting fees to the said members since they will now be entitled for salaries and allowances.

This Bill seeks to achieve above objects.

Financial Memorandum

The Bill seeks to provide for payment of salaries and allowances to all the directly elected members of the Zilla Panchayats including the Adhyaksha and Upadhyaksha and directly elected members of the Village Panchayats including the Sarpanch and the Deputy Sarpanch. The exact amount of additional funds required per annum has been worked out at Rs. 3,06,51,000/-. The budget provision has been made in the budget estimates for the year 2002-03 for payment of grants

to the Zilla Panchayats and Village Panchayats for the above purpose

Memorandum regarding delegated legislation

Clauses 2 and 3 of the Bill empower the Government to frame rules specifying the salary and other conditions of service of the Adhyaksha, Upadhyaksha, Sarpanch, Deputy Sarpanch and other elected members of the Zilla Panchayat and the Panchayat.

This delegation is of normal character.

Governor's recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, Mohd. Fazal, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Goa Panchayat Raj (Sixth Amendment) Bill, 2002.

Panaji - Goa
9 August, 2002

MANOHAR AZGAONKAR
Minister for
Panchayat Raj

Assembly Hall,
Porvorim, Goa,
9 August, 2002.

S. A. NARVEKAR
Secretary to the
Legislative Assembly
of Goa.

ANNEXURE

Extract of the Panchayat Raj Act, 1994 (Goa Act 14 of 1994)

48. *Term of office and conditions of service of Sarpanch and Deputy Sarpanch.*— (1) The term of office of every sarpanch and every Deputy Sarpanch of the Panchayat shall, save as otherwise provided in this Act; cease on the expiry of his term of office as a member of the panchayat.

2) Salary and other conditions of service of Sarpanch and Deputy Sarpanch shall be as prescribed.

134. *Salary and Allowances to the Adhyaksha and Upadhyaksha and other members.*— (1) The salary and allowances of Adhyaksha and Upadhyaksha shall be a prescribed.

2) Every member of the Zilla Panchayat other than the Adhyaksha and the Upadhyaksha shall be entitled to receive, such sitting fee and allowances as may be prescribed.

162. *Application of panchayat Fund and property.*— Subject to the provisions of this Act and rules made thereunder and such general or special orders of the Government all property owned by, or vested in the Panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force, shall be applied for the purpose for which by or under this Act, or any other law for the time being in force, powers are conferred or duties are imposed upon the Panchayat:

Provided that no expenditure shall be incurred out of the Panchayat fund unless provision therefor has been made in the budget of the Panchayat or funds are obtained by re-appropriation duly approved except in such cases as may be prescribed.

(2) The Panchayat Fund shall also be utilised for the following purposes:—

(i) payment of salaries and allowances to the Sarpanch and Deputy Sarpanch, Officers and staff travelling allowance, daily allowance and sitting fees to the members of the Panchayat or any Committee thereof, subject to such rules as may be prescribed.

(ii) any amount falling due on any loan raised by the Panchayat;

(iii) with the previous sanction of the Chief Executive Officer, for any other purpose for which the application of such property or fund is necessary in public interest:

Provided that any amount granted to the Panchayat by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may specify, either generally or specially in this behalf.

168. *Application of Zilla Panchayat Fund and property.*— (1) Subject to the provisions of this Act and the rules made thereunder and such general or special orders as the Government may make, all property owned by or vested in the Zilla Panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force shall be

applied for the purposes for which by or under this Act or any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Panchayat:

Provided that no expenditure shall be incurred out of the Zilla Panchayat Fund unless provision therefor has been made in the budget of the Zilla Panchayat or funds are obtained by re-appropriation duly approved except in such cases as may be prescribed.

(2) The Zilla Panchayat Fund and all property held or vested in the Zilla Panchayat under this Act shall be applied subject to the provisions of this Act for the payment of, —

(a) salaries and allowances to the Adhyaksha and the Upadhyaksha and travelling and daily allowances to the Adhyaksha and Upadhyaksha for tours outside the district and travelling and daily allowance to the members of the Zilla Panchayat or any committee thereof subject to such rules as may be made in this behalf by the Government.

(b) the salaries, allowances, pensions and gratuities of its officers and employees other than those whose salaries and allowances are paid from the Consolidated Fund of the State;

(c) any amounts falling due on any loans contracted by the Zilla Panchayat;

(d) for the purposes specified in this Act;

(e) all other purposes for which by or under this Act or the rules or regulations made thereunder or by or under any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Panchayat;

(f) with the previous sanction of the Government, for any other purpose for which the application of such property or fund is necessary in public interest:

Provided that any fund granted to the Zilla Panchayat by the Government or any persons or local authority for any specific work or purpose, shall be applied exclusively for such work or purpose and in accordance with such instruction as the Government may specify, either generally or specially in this behalf.

LA/F-2/3538/2002

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 12th August, 2002 is hereby published for general information in pursuance of the

provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Municipalities (First Amendment) Bill, 2002

(Bill No. 8 of 2002)

A

BILL

further to amend the Goa Municipalities Act, 1968.

BE it enacted by the Legislative Assembly of Goa in the Fifty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Municipalities (First Amendment) Act, 2002.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the "principal Act"),—

(i) for clause (51b), the following clause shall be substituted, namely:—

"(51b)" State Election Commission" means the State Election Commission constituted under section 237 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);";

(ii) for clause (53), the following clause shall be substituted, namely:—

"(53)" total number of Councillors", in relation to a Council, means the total number of elected Councillors;".

3. *Amendment of section 9A.*— In section 9A of the principal Act,—

(i) the following expression shall be inserted as the title thereof, namely:—

"Right of Member of the Legislative Assembly to associate at the meeting.";

(ii) in sub-section (1), the expression "and any one Ex-Councillor as to be nominated by the Council with prior approval of the Government," shall be omitted;

(iii) in sub-section (2), the expression "as well as on the Ex-Councillor, if any, associated with the Council" shall be omitted.

4. *Amendment of section 10A.*— In section 10A of the principal Act, for the expression "section 238 of the Goa Panchayat Raj Act, 1993", the expression "section 237 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994)" shall be substituted.

5. *Amendment of section 22.*— In sub-section (1) of section 22 of the principal Act, the words and figures "or section 21, as the case may be" shall be omitted.

6. *Amendment of section 23.*— In section 23 of the principal Act, after clause (6), the following clause shall be inserted, namely:—

"(7) Failure to maintain accounts of daily expenditure and failure to file returns of such expenditure within the time stipulated by the State Election Commission as per the Code of Conduct notified by the State Election Commission for the candidates contesting the election.".

7. *Amendment of section 43.*— In section 43 of the principal Act,—

(i) after the expression "addressed to the Chairperson", wherever it occurs, the expression "with a copy to the Director" shall be inserted;

(ii) the following proviso shall be inserted, namely:—

"Provided that no such resignation or withdrawal of resignation, as the case may be, shall be taken cognizance of by the Chairperson unless the same is presented either by the resigning member himself or his signature has been duly attested by a Notary Public or a Gazetted Officer of the Government and he is satisfied that the signature is genuine and the resignation or withdrawal of resignation, as the case may be, is voluntary.".

8. *Amendment of section 50.*— In sub-section (1) of section 50 of the principal Act, in the proviso, the word "made" shall be omitted.

9. *Amendment of section 73.*— In section 73 of the principal Act, sub-section (4) shall be omitted.

10. *Amendment of section 78.*— In section 78 of the principal Act, for clause (3), the following shall be substituted, namely:—

"(3) If the Chairperson fails to call a meeting within the period specified in clause (1) or clause (2), the Councillors who had made a request for the special meeting being called, may request the Director to call a special meeting. On receipt of such request, the Director may, if he is satisfied that the subjects proposed for discussion in the special meeting are of such public importance that the same cannot be postponed for discussion in an ordinary meeting, call the special meeting within fifteen days from the date of receipt of such request by him. In case the Director decides not to call a special meeting, he shall direct the Chairperson to include those subjects in the next ordinary meeting of the Council. The meeting, when called by the Director, shall be presided over by the Director or the Officer designated by him but he shall have no right to vote.".

11. *Amendment of section 88.*— In section 88 of the principal Act,—

(i) in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that a Council may, for the purpose of construction of markets, shops or such other amenities intended for the overall development of the municipal area, associate private entrepreneurs in such projects on such terms and conditions including transfer of marketable title of the entire project or part thereof, with the approval of the Government.";

(ii) for sub-section (4), the following shall be substituted, namely:—

"(4) If any person refuses or fails to vacate the Municipal premises after expiry of lease period or for any other reason and after due

notice from the Council, he shall be evicted from the said premises under the provisions of the Goa Public Premises (Eviction of Unauthorised Occupants) Act, 1988 (Act 22 of 1988) by the Director or any other Officer authorized by him in this behalf and designated as Estate Officer and notified under the provisions of the said Act."

12. *Amendment of section 174.*— In section 174 and in any other sections of the principal Act, for the words "one hundred rupees" and "twenty rupees", wherever they occur, the words "five thousand rupees" and "one hundred rupees" shall be respectively substituted.

13. *Amendment of section 178.*— In sub-section (6) of section 178 of the principal Act, for the words "one thousand rupees", the words "five thousand rupees" shall be substituted.

14. *Amendment of section 180.*— In section 180 and in any other sections of the principal Act, for the words "fifty rupees", wherever they occur, the words "five hundred rupees" shall be substituted.

15. *Amendment of section 181.*— In section 181 and in any other sections of the principal Act, for the words "one hundred rupees", wherever they occur, the words "five thousand rupees" shall be substituted.

16. *Amendment of section 184.*— In section 184 of the principal Act,—

(i) in sub-section (9), for the words "five thousand rupees", the words "fifteen thousand rupees" shall be substituted;

(ii) in sub-section (10), for the words and figure "twenty-five rupees", the words "one hundred rupees" shall be substituted;

(iii) after sub-section (20), the following sub-section shall be inserted, namely:—

"(21) Notwithstanding anything contained in any other provisions of this Act, the Chief Officer may, subject to the recommendation of the Council, regularize any construction in respect of which no notice as required under sub-section (2) has been given, on payment of a fine equivalent to the fees and taxes payable in respect

thereof from the date of commencement of such construction, provided that such construction is as per the building bye-laws and complies with the provisions of any other law for the time being in force.”.

17. *Amendment of section 187.*— In sub-section (5) of section 187 of the principal Act, for the words “one hundred rupees” and “twenty-five rupees”, the words “five thousand rupees” and “one hundred rupees” shall be respectively substituted.

18. *Amendment of section 188.*— In sub-section (3) of section 188 of the principal Act, in clause (b), for the words “five hundred rupees” and “twenty-five rupees”, the words “ten thousand rupees” and “one hundred rupees” shall be respectively substituted.

19. *Amendment of section 189.*— In sub-section (2) of section 189 of the principal Act, for the words “five hundred rupees” and “ten rupees”, the words “ten thousand rupees” and “one hundred rupees” shall be respectively substituted.

20. *Amendment of section 197.*— In section 197 of the principal Act,—

(i) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Notwithstanding anything contained in any of the provisions of this Act, it shall be obligatory on the part of the owner of any building to connect such building to the sewage in the area where underground sewage system exists, failing which, the Chief Officer may, by a written notice, direct the owner of such building to connect the building to the underground sewage within such period as specified in the notice.”;

(ii) for sub-section (3), the following shall be substituted, namely:—

“(3) Whoever fails to comply with the notice issued by the Chief Officer under sub-section (1) or sub-section (2) or sub-section (2A), as the case may be, shall be punishable with fine which may extend to five thousand rupees and in case of a continuing offence with a further fine which may extend to one hundred rupees for

every day after the first during which such offence continues.”.

21. *Amendment of section 210.*— In section 210 of the principal Act,—

(i) in sub-section (4), for the words “one hundred rupees”, the words “five thousand rupees” shall be substituted;

(ii) in sub-section (7), for the words “three hundred rupees”, the words “ten thousand rupees” shall be substituted.

22. *Amendment of section 212.*— In section 212 and in any other sections of the principal Act, for the words “fifty rupees” and “five rupees”, wherever they occur, the words “two thousand five hundred rupees” and “fifty rupees” shall be respectively substituted.

23. *Amendment of section 218.*— In section 218 of the principal Act, in sub-section (2), for the words “two hundred and fifty rupees”, the words “two thousand five hundred rupees” shall be substituted.

24. *Amendment of section 220.*— In section 220 of the principal Act, in sub-section (2), for the words “fifty rupees” and “ten rupees”, the words “two thousand five hundred rupees” and “one hundred rupees” shall be respectively substituted.

25. *Amendment of section 221.*— In section 221 of the principal Act, in sub-section (2), for the words “five hundred rupees” and “twenty five rupees” the words “ten thousand rupees” and “one hundred rupees” shall be respectively substituted.

26. *Amendment of section 225.*— In section 225 of the principal Act, for the words “one hundred rupees” and “twenty rupees”, the words “five thousand rupees” and “one hundred rupees” shall be respectively substituted.

27. *Amendment of section 230.*— In section 230 of the principal Act, in sub-section (2), for the words “one hundred rupees” and “ten rupees”, the words “five thousand rupees” and “one hundred rupees” shall be respectively substituted.

28. *Amendment of section 240.*— In section 240 of the principal Act,—

(i) in sub-section (1), for the words "two hundred rupees" and "twenty rupees", the words "two thousand rupees" and "one hundred rupees" shall be respectively substituted.

(ii) in sub-section (2), for the words "one thousand rupees" and "fifty rupees", the words "five thousand rupees" and "one hundred rupees" shall be respectively substituted.

29. *Amendment of section 243.*— In section 243 of the principal Act, in sub-section (5), for the words "ten rupees", the words "one hundred rupees" shall be substituted.

30. *Amendment of section 245.*— In sub-section (3) of section 245 of the principal Act, for the words "five hundred rupees", the words "two thousand rupees" shall be substituted.

31. *Amendment of section 246.*— In sub-section (5) of section 246 of the principal Act, for the words "five hundred rupees", the words "two thousand rupees" shall be substituted.

32. *Amendment of section 247.*— In sub-section (3) of section 247 of the principal Act, for the words "two hundred and fifty rupees", the words "two thousand rupees" shall be substituted.

33. *Amendment of section 252.*— In sub-section (2) of section 252 of the principal Act, for the words "five hundred rupees", "one hundred rupees", "fifty rupees" and "ten rupees", the words "five thousand rupees", "one thousand rupees", "one hundred rupees" and "fifty rupees" shall be respectively substituted.

34. *Amendment of section 259.*— In section 259 and in any other sections of the principal Act, for the words "five hundred rupees" and "fifty rupees", wherever they occur, the words "five thousand rupees" and "five hundred rupees" shall be respectively substituted.

35. *Amendment of section 263.*— In sub-section (3) of section 263 of the principal Act, for the words "one thousand rupees", the words "five thousand rupees" shall be substituted.

36. *Amendment of section 266.*— In sub-section (3) of section 266 of the principal Act, for the words "two hundred rupees" and "twenty rupees", the words "two thousand rupees" and "one hundred rupees" shall be respectively substituted.

37. *Amendment of section 270.*— In sub-section (3) of section 270 of the principal Act, for the words "five hundred rupees", the words "two thousand rupees" shall be substituted.

38. *Amendment of section 276.*— In section 276 of the principal Act,—

(i) in sub-section (1),—

(a) in clause (i), for the words "three hundred rupees", the words "one thousand rupees" shall be substituted;

(b) in clause (ii), for the words "five hundred rupees", the words "two thousand rupees" shall be substituted;

(ii) in sub-section (2), in clause (a), for the words "two hundred and fifty rupees", the words "one thousand rupees" shall be substituted.

39. *Amendment of section 277.*— In section 277 of the principal Act,—

(i) in clause (a), for the words "one hundred rupees", the words "one thousand rupees" shall be substituted; and

(ii) in clause (b), for the words "two hundred and fifty rupees", the words "two thousand rupees" shall be substituted.

40. *Amendment of section 278.*— In sub-section (5) of section 278 of the principal Act, after the expression "as he may consider necessary,", the expression "or cause to be treated by any other efficacious and medically well established method of treatment," shall be inserted.

41. *Amendment of section 279.*— In sub-section (2) of section 279 of the principal Act, for the words "fifty rupees", the words "three hundred rupees" shall be substituted.

42. *Amendment of section 281.*— In section 281 of the principal Act,—

(i) for sub-section (5), the following shall be substituted, namely:—

“(5) Any offence committed under this Act or the rules or bye-laws made thereunder, whether committed before or after the commencement of the Goa Municipalities (First Amendment) Act, 2002, may, either before or after the institution of the prosecution, be compounded by such officers or authorities, on such conditions and for such amounts, as the state Government may, by Notification in the Official Gazette, specify in this behalf.”.

(ii) sub-section (6) shall be omitted;

(iii) for sub-section (7), the following shall be substituted, namely:—

“(7) Where an offence has been compounded under sub-section (5), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of this offence.”.

43. *Amendment of section 284.*— In section 284 of the principal Act, for the words “one hundred rupees” and “ten rupees”, the words “five thousand rupees” and “one hundred rupees” shall be respectively substituted.

44. *Amendment of section 285.*— In section 285 of the principal Act, for the words “two hundred and fifty rupees”, the words “one thousand rupees” shall be substituted.

45. *Amendment of section 314.*— In section 314 of the principal Act, for the words “fifty rupees”, the words “five hundred rupees” shall be substituted.

Statement of Objects and Reasons

It is proposed to amend clauses (51b) and (53) of section 2 of the Goa Municipalities Act, 1968 (Act 7 of 1969) so as to correctly define the expression “State Election Commission”, and omit reference to co-opted and nominated Councillors since there is no provision for co-option and nomination of Councillors in the Act, respectively.

Section 9A of the Act, 1968, is proposed for amendment so as to provide a heading to the section and also to do away with nomination of ex-Councillor.

Amendment to section 10A is to correct an anomaly.

Section 22 is proposed for amendment so as to omit the words “or section 21” appearing in sub-section since section 21 already stands omitted from the Act.

Section 23 is proposed to be amended by inserting a new sub-section therein so as to include non-maintenance of accounts of election as one of the corrupt practices.

Section 43 is proposed to be amended so that the Director is also made aware of the resignation as well as withdrawal of resignation by Councillors. A proviso is also proposed to be inserted to this section so as to safeguard against any mischief in the matter of resignation or withdrawal of resignation, as the case may be.

Section 50 is proposed to be amended so as to omit the word “made” appearing in sub-section (1) thereof, to remove ambiguity.

Sub-section (4) of section 73 of the Act, 1968, is proposed to be omitted as the same has become redundant in view of the provision under sub-section (2) thereof.

Amendment of clause (3) of section 78 of the Act, 1968, is proposed so as to avoid convening of special meetings on matters which are not of public importance.

Section 88 is proposed for amendment so as to insert a proviso to sub-section (1) thereof so as to enable the Councils to associate private entrepreneurs in projects such as construction of markets, shops and other such amenities. Further, sub-section (4) is proposed to be substituted so as to have a substantive provision to enable the Director or any officer authorised by him to evict a person from the municipal premises after the expiry of lease period.

Sections 174, 178, 180 and 181 of the Act, 1968, are proposed to be amended so as to enhance the fine specified therein with a view to have deterrent effect on the offenders.

Sub-sections (9) and (10) of Section 184 of the Act, 1968, are proposed for amendment so as to enhance the existing fine. Further, after sub-section (20) of section 184 of the Act, 1968, a new sub-section (21) is proposed to be inserted so as to make provision to empower the Chief Officer to regularize constructions for which no notice has been given, but which are otherwise as per the building bye-laws.

Sections 187, 188 and 189 of the Act, 1968, are proposed to be amended so as to enhance the fine specified therein with a view to have deterrent effect on the offenders.

A new sub-section (2A) is proposed to be inserted in section 197 of the Act, 1968, so as to make it obligatory on the part of the owner of any building to connect such building to sewage system. Further, sub-section (3) of said section 197 is proposed to be substituted so as to enhance the fine on persons who fail to comply with the notice issued by the Chief Officer.

Sections 210, 212, 218, 220, 221, 225, 230, 240, 243, 245, 246, 247, 252, 259, 263, 266, 270, 276, 277, 279, 284, 285 and 314 of the Act, 1968, are proposed to be amended so as to enhance the fine specified therein with a view to have deterrent effect on the offenders.

Sub-section (5) of section 278 of the Act, 1968, is proposed to be amended so as to empower the Chief Officer to cause any dog or other animal suffering from rabies to be treated by any other efficacious and medically well established method of treatment.

Amendment of sub-section (5) of section 281 of the Act, 1968, is proposed so as to substitute the existing provision with a provision to compound any offence committed under the Act or the rules or bye-laws made thereunder, by such officers or authorities, on such conditions and for such amounts as the State Government may specify. This is to enable the State Government to specify the amounts for compounding of offences and the officials to be empowered for the purpose. Further, the existing sub-section (6) of said section 281 is proposed for omission as a consequence of amendment to sub-section (5). Also, sub-section (7) is proposed to be substituted by new sub-section so as to have a provision to the effect that no further proceedings shall be taken after the offence is compounded.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Proposed amendment to sub-section (5) of section 281 of the Act, 1968, empowers the Government to specify, by notification in the Official Gazette, the conditions and amounts for compounding offences under the Act, rules or bye-laws and also to specify the officers or authorities for the said purpose.

This delegation is of normal character.

Porvorim-Goa.

Digambar Kamat,
Minister for Urban
Development.

7 August, 2002.

Assembly Hall,
Porvorim-Goa.
7 August, 2002.

S. A. Narvekar
Secretary (Legislature).

ANNEXURE

The Goa, Daman and Diu Municipalities Act, 1968

Section "2(51b) "Election Commission" means the Election Commission constituted under the section 237 of the Goa Panchayat Raj Act, 1994, (Goa Act 14 of 1994);".

Section 2(53) " total number of Councillors", in relation to a Council, means the total number of the elected and the co-opted and nominated Councillors, if any, of that Council;

Section" 9A. (1) Notwithstanding anything contained in the Act, the Member of the Legislative Assembly of Goa representing the Constituency which comprises wholly or partly by municipal area, and any one Ex-Councillor as to be nominated by the Council with prior approval of the Government, shall have right to associate at the meeting of the concerned Municipal Council and take part in the proceedings of the Council but shall have no right to vote.

(2) For every meeting of a Council, a notice of meeting specifying the date, hour and place at which such meeting is to be held and the business to be transacted thereat shall be served upon the concerned Member of Legislative Assembly of the State of Goa as well as on the ExCouncillor, if any associated with the Council.”.

Section “10A. Election to the Councils.— The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Council shall be vested in the State Election Commission constituted under section 238 of the Goa Panchayat Raj Act, 1993.”.

Section 22(1) Disputes in respect of election [...] of Councillors.— (1) No election [...] of a Councillor may be called in question, except by a petition presented to the District Court by a candidate at the election or by any person entitled to vote at the election, within ten days after the publication of the names of the Councillor in the Official Gazette under section 20 or section 21, as the case may be.

Section 23. Corrupt practices.— The following shall be deemed to be corrupt practices for the purposes of this Act:—

(1) Bribery, that is to say,—

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent, of any gratification, to any persons whomsoever, with the object, directly or indirectly, of inducing—

(a) a person to stand or not to stand as, or to withdraw from being, a candidate at an election; or

(b) a voter to vote or refrain from voting at an election; or as a reward to—

(i) a person for having so stood or not stood, or for having withdrawn his candidature; or

(ii) a voter for having voted or refrained from voting;

(B) the receipt of, or agreement to receive any gratification, whether as a motive or a reward,—

(a) by a person for standing or not standing as, or for withdrawing from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting or inducing or attempting to induce any voter to vote or refrain from voting, or any candidate to withdraw his candidature.

Explanation.— For the purposes of this clause, the term “gratification” is not restricted to pecuniary

gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward, but it does not include the payment of any expenses bona fide incurred, at or for the purpose of any election.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent, with the free exercise of any electoral right:

Provided that —

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein, who—

(i) threatens any candidate or any voter, or any person in whom a candidate or a voter is interested, with injury of any kind including social ostracism and excommunication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or a voter to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the grounds of his religion, race, caste, community or language or the use of, or appeal to, religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(4) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his

agent or by any other person with the consent of a candidate or his election agent, for the conveyance of any voter (other than the candidate himself, the members of his family or his agent) to or from any polling station:

Provided that the hiring of a vehicle or vessel by a voter or by several voters at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.— In this clause the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicle or otherwise.

(6) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election from any person in the service of the Government or Council.

Section 43. Resignation of Councillors.— A Councillor may resign his office in writing under his hand addressed to the Chairperson and his seat shall become vacant on the expiry of seven days from the date of receipt of such resignation, unless within the said period of seven days he withdraws his resignation by writing under his hand addressed to the Chairperson."

Section 50. Casual vacancies how to be filled up.— (1) Where a vacancy occurs through the non-acceptance of office by any elected, Councillor or such person being disqualified for becoming or continuing to be a Councillor, or any election being set aside under the provision of section 22 or the death, resignation, removal or disability of a Councillor previous to the expiry of his term of office, the vacancy shall be filled by a bye-election according as the Councillor was elected:

Provided that no bye-election shall be held made to fill up a vacancy occurring within four months prior to the date on which the term of office of the Councillors of the Council expires.

Section 73. Appointment of other officers and servants.— (1) A Council may, with the sanction of the

Director, create such posts of officers and servants other than those specified in sub-sections (1) and (2) of the last preceding section as it shall deem necessary for efficient execution of its duties under this Act.

"(2) The qualifications, pay, allowances and other conditions of service and method of recruitment of any such officers and servants shall be determined by general or special order made by the Director in this behalf".

(3) The Council shall, subject to the approval of the Director, decide the manner in which and the terms and conditions under which the existing officers shall be absorbed in the posts created under sub-section (1).

(4) (a) The power of making appointment to any post referred to in clause (a) of sub-section (2) shall vest in the Standing Committee, and if the Council so decides, in the Chairperson.

(b) The power of making appointment to any post referred to in clause (b) of sub-section (2) shall vest in the Council or in the Standing Committee if the Council so decides.

Explanation.— For the purpose of this section and sub-section (6) of section 72 the term "existing officer" or "existing servant" means an officer or servant respectively of an existing Council within the meaning of section 330.

Section 78. Provisions in regard to meetings of Council.— The following provisions shall be observed with respect to the meetings of a Council,—

(1) There shall be held six ordinary meetings in each year for the disposal of general business, in every alternate month commencing from the month in which the first meeting of the Council under section 52 is held, and such other ordinary meetings as the Chairperson may find necessary. It shall be the duty of the Chairperson to fix the dates for all ordinary meetings and to call such meetings.

(2) The Chairperson may, whenever he thinks fit, and shall, upon the written request of not "less than one third" of the total number of Councillors and on a date not later than fifteen days after the receipt of such request by the Chairperson, call a special meeting.

(3) If the Chairperson fails to call a meeting within the period specified in clause (1) or clause (2), the Councillors who had made a request for the special meeting being called, may request the Director to call a special meeting. On receipt of such request, the Director or any officer whom he may designate in this behalf, shall call the special meeting on a date within fifteen days from the date of receipt of such request by the Director. Such meeting shall be presided over by the Director or the officer designated, but he shall have no right to vote.

Section 88. Provisions regarding transfer of municipal property.— (1) No Council shall transfer any of its immovable property without the sanction of the Government.

(2) A proposal of such transfer shall be accompanied by a resolution of the Council passed at a meeting by a majority of not less than two-thirds of the total number of Councillors and shall in no way be inconsistent with the rules made in this behalf by the Government.

"(3) Notwithstanding anything contained in sub-section (1), a Council may lease its immovable property for a period not exceeding three years with appropriate annual rate of increase in rent and the lessee shall not be allowed to make any permanent construction on such immovable property. Such lease may be renewed by the Council beyond the period of three years with the permission of the Director, who shall decide the reasonability of annual increase in rentals before issuing permission for extending the lease period:

Provided that in respect of immovable property of a Council where the lease period has already expired and the leases are not renewed, the Council may renew the leases of such immovable properties at such rate of rental which "shall not be less than Rs. 12 per sq. meter per month" in case of commercial establishment and shall not be less than "Rs.5/- per sq. meter per month" in case of residential establishment, the reasonability of which shall be decided by the Director before issuing permission for extending the lease period."

"(4) If any person refuses or fails to vacate the Municipal Premises after expiry of lease period or for any other reason and after due notice from the Council, he shall be evicted from the said premises by the Director or any other Officer authorized by him in this behalf and designated as a Estate Officer and notified under the provisions of the Goa Public Premises (Eviction of Unauthorised Occupants) Act, 1988 (Act 22 of 1988)."

Section 174. Surface projections,obstructions and encroachments in respect of public streets.— (1) No person shall,except with the written permission of the Chief Officer under sub-section (4),—

(a) build or set up, any fence, rail, post, stall, platform or any projecting structure or thing, or make any other encroachment or obstruction,

(b) place or deposit or cause to be placed or deposited any box, bale, package or merchandise or any other thing,in any public street or upon any drain, gutter, sewer or aqueduct in such street.

(2) Whoever contravenes any provision of sub-section (1) shall, unless the provisions of clause(a)

of sub-section (6) of section 171 apply, on conviction, be punished with fine which may extend to one hundred rupees, and in the case of a continuing contravention with further fine which may extend to twenty rupees for every day after the first during which such contravention continues.

(3) The Chief Officer shall have power to remove without notice any such projection,obstruction or encroachment,—

(i) made in contravention of sub-section(1) or contrary in any manner to any permission granted under sub-section (4); or

(ii) in respect of which the period specified in the permission under sub-section (4), has expired.

(4) Subject to the provisions of the bye-laws, if any, the Chief Officer may allow any temporary occupation of or erections in any public street—

(i) on occasions of festivals and ceremonies in such manner as not to inconvenience the public or any individual;

(ii) for depositing timber,bricks, or other material that has been or is intended to be used for building purposes;

(iii) for any other purpose specified in the bye-laws.

(5) Permission granted under sub-section (1) or (4) shall be terminable at the discretion of the Chief Officer on his giving not less than twenty four hours' written notice to the person to whom such permission was granted. Such notice shall state the reasons for such action.

(6) Every person to whom any permission is granted under sub-section (1) or (4) shall, at his own expense, cause the place where he has set up any erection or deposited any thing, to be properly fenced and guarded, and, in all cases in which the same is necessary to prevent accident, shall cause such place to be well lighted during the night.

(7) Every person to whom any permission is granted under sub-section (1) or (4) shall immediately after the removal of the erection made or thing placed or deposited, restore and make good the street to the satisfaction of the Chief Officer.

(8) Whoever contravenes the conditions of any permission granted under sub-section (4), or fails to comply with the provisions of sub-section(6) or (7), shall, on conviction, be punished with fine which may extend to one hundred rupees, and in the case of continuing contravention with further fine which may extend to twenty rupees for every day after the first during which such contravention continues.

Section 178. New private streets.— (1) Every person intending to lay out or make a new street shall give notice thereof in writing to the Chief Officer and shall furnish along with such notice plans and sections showing:—

- (a) the intended level, direction and width of the street;
- (b) the situation and boundaries of any buildings or plots abutting on such street or likely to be served by such street;
- (c) the position of any public street or streets which the new street may have an access to;
- (d) the arrangements to be made for the levelling, paving, metalling, flagging, channelling, draining, lighting, or cleansing of the street; and shall also furnish such other particulars as may be required by the bye-laws, if any, made in this behalf.

(2) If such persons fails to furnish all the information and documents required by sub-section (1), or if the Council deems it necessary to call for any further information or documents, the Chief Officer may, within thirty days of the receipt of the said notice, by a written notice require such person to furnish the required information or documents.

(3) Within sixty days after the receipt by the Chief Officer of the notice and the information and documents specified in sub-section (1), or if any further information or documents have been called for under sub-section (2), then within sixty days of the receipt of such further information and documents, the Council may—

(a) sanction the laying out or making of the new street subject to such modifications or conditions as it may think fit; or

(b) disallow it for reasons which shall be communicated to the applicant in writing.

(4) If the Council fails to issue any order under sub-section (3) within the period specified in that sub-section, the person giving notice shall be entitled to lay out and make the proposed street in such manner as may have been specified in the notice under sub-section (1) and as is not inconsistent with any provision of this Act or of any bye-law for the time being in force thereunder.

(5) If any person who is entitled to proceed with any work under sub-section (3) or (4) fails to carry out such work within one year from the date on which he becomes so entitled, his right to proceed with such work shall lapse.

(6) Whoever lays out or makes any such street either without giving the notice required by sub-section (1) or

otherwise than in accordance with the instructions issued by the Council under clause (a) of sub-section (3), or in any manner contrary to the provisions of this Act, or of any bye-laws in force thereunder shall, on conviction, be punished with fine which may extend to one thousand rupees, and the Council may cause any street so laid out or made, to be altered and any building constructed in such street to be altered or removed and the expense thereby incurred shall be paid to the Council by the offender, and shall be recoverable in the same manner as an amount due on account of a property tax.

(7) Save as otherwise provided by or under this Act, the provisions of this Act and of any rules or bye-laws made thereunder as to the level and width of public streets and the height of buildings abutting thereon, shall apply also in the case of new private streets referred to in sub-section (1); and all particulars referred to in that sub-section shall be subject to the approval by the Council.

Section 180. Naming and numbering streets and numbering of premises.— (1) The Council shall—

(a) give a name or a number to every public street;

(b) cause to be put up or painted on a conspicuous part of any building, wall or any other place at or near each end or corner of or entrance to a public street, the name or the number by which such street is to be known;

(c) determine the number or sub-number by which any premises or part thereof shall be known; and may by written notice require the owner of any premises or part thereof either to put up a metal plate showing the number or sub-number of such premises or part determined under clause (c) in such position and manner as may be specified in such notice or to signify in writing his desire that such work shall be executed under the orders of the Council.

(2) Any person who destroys, pulls down or defaces any such name or number of a public street or number or sub-number of any premises or part thereof or puts up any name, number or sub-number different from that determined by the Council and any owner of any premises or part thereof who does not at his own expense put up such number or sub-number of such premises or part thereof, shall, on conviction, be punished with fine which may extend to fifty rupees.

(3) Where a number or sub-number is put up on any premises or part thereof under the orders of the Council in accordance with sub-section (1), the expenses of such work shall be payable by the owner of such premises or part thereof, as the case may be.

Explanation.— In this section, "premises" means any building, but does not include only walls, compound walls, fencing, verandahs, fixed platforms, plinths, door-steps or the like.

Section 181. Displacing pavements, etc.— (1) No person shall, without the permission of the Chief Officer or any other lawful authority, displace, take up, or make any alteration in, or make any hole in, or otherwise damage, the pavement, gutter, flags or other materials of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other accessories of a lamp, water-post or hydrant or such other municipal property therein, or extinguish a municipal lamp.

(2) Every person to whom any permission is granted under sub-section (1) shall, at his own expense, cause the place where the soil or pavement has been opened or broken up materials have been taken up or any erection or other thing set up, to be properly fenced and guarded, and in all cases in which the same is necessary to prevent accidents, shall cause such place to be well lighted during the night.

(3) Any person who contravenes any provision of sub-section (1) shall, on conviction, be punished with fine which may extend to one hundred rupees.

(4) Any person who has displaced, taken up or made alteration in or made a hole in or otherwise damaged any such pavement, gutter, flags, or other materials, of any public street or such fences, walls, posts, municipal lamp, lamp-post, bracket, water-post, hydrant or other accessories of a lamp, water-post or hydrants or other municipal property or extinguished a municipal lamp, whether with or without the permission required under sub-section (1), shall, in addition to any penalty under sub-section (3), be liable to pay the expenses which the Council may incur in replacing or restoring the same. Such expenses shall be recoverable in the same manner as an amount due on account of a property tax.

Section 184. Notice of construction of building.— (1) The expression "to construct a building" throughout this Chapter includes—

(a) any material alteration, enlargement or reconstruction of any building, or of any wall including compound wall and fencing, verandah, fixed platform, plinth, door step or the like, whether constituting part of a building or not;

(b) the conversion into a place for human habitation of any building not originally constructed for human habitation;

(c) the conversion into more than one place for human habitation of any place originally constructed as one such place;

(d) the conversion of two or more places of human habitation into a greater number of such places;

(e) such alterations of the internal arrangements of a building, as affects its drainage, ventilation or other sanitary arrangements, or its security or stability; and

(f) the addition of any rooms, buildings, or other structures to any buildings, and a building so altered, enlarged, reconstructed, converted or added to, is throughout this Chapter included under the expression "a new building".

(2) Before beginning to construct any building, the person intending so to construct shall give to the Chief Officer notice thereof in writing and shall furnish to him at the same time, if required by a bye-law or by a special order to do so, a plan showing the levels at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the Chief Officer, and all information required by the bye-laws or demanded by the Chief Officer regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, privies, water-closets, house-gullies and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, the means of access to such building and the purpose for which the building will be used:

Provided that, if the bye-laws of the Council so require, such notice shall be in such form as the Council may from time to time prescribe and such plans shall be signed by a person possessing the qualification laid down in the bye-laws or licensed under the bye-laws so to sign such plans.

(3) If the person giving notice under sub-section (2) fails to—

(i) furnish all the information and documents required under sub-section (2); or

(ii) the Chief Officer deems it necessary to call for any further information or documents, the Chief Officer shall, within sixty days of the receipt of the notice require such person by an order in writing to furnish such information or documents.

(4) Within sixty days of the receipt by the Chief Officer of the notice under sub-section (2) or if any further information and documents have been called for under sub-section (3) then within sixty days of the receipt of all such further information and documents, the Chief Officer may—

(a) grant the necessary permission to construct according to the plans and information furnished under sub-section (2) and sub-section (3);

(b) impose any conditions in accordance with this Act or the rules and bye-laws made thereunder, as to the level, drainage, sanitation, materials or to the number of storeys to be erected, or with reference to the location of the building in relation to any street existing or projected or to the means of access to such building on the purpose for which the building is to be used;

(c) direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building or street have been decided to his satisfaction;

(d) subject to the provisions of the next succeeding section, refuse such permission for reasons which shall be communicated to the applicant in writing.

(5) The Council may, before any work has been commenced in pursuance of any permission granted by the Chief Officer under sub-section(4), revoke such permission and may give fresh permission in lieu thereof or issue any other order as may be passed by the Chief Officer under sub-section(4).

(6) If the Chief Officer fails to issue an order under clause (c) or (d) of sub-section (4) within the period prescribed in that sub-section, the person giving notice under sub-section(2) shall, after the expiry of the said period, be entitled to proceed with the work in respect of which such notice has been given under sub-section (2), in the manner specified in such notice, provided that such manner is not inconsistent with any provision of this Act or any rule or bye-law for the time being in force thereunder.

(7) No person who becomes entitled under sub-section(4), (5) or (6) to proceed with any intended work of which notice is required by sub-section (2), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-section (2) to (6).

(8) If any person begins any construction of a building of which notice is required to be given under sub-section (2)—

(i) without the permission of the Chief Officer under sub-section (4) or of the Council under sub-section (5), save as otherwise provided under sub-section (6); or

(ii) having received permission under clause (a) of sub-section (4), contrary to the plans and information furnish under sub-section (2) and (3); or

(iii) having received permission under clause (b) of sub-section (4), contrary to the conditions imposed under that clause or contrary to the plans and information submitted under sub-section (2) and (3) in so far as such plans and information are not modified by such conditions; or

(iv) contrary to the provisions of sub-section (6), when construction is begun under that sub-section, the Chief Officer may, by a written notice, require such person to stop such construction and to alter or demolish any construction already made as specified in the notice. If, within fifteen days from the service of such notice for demolishing any such construction, the

work of demolishing it is not commenced, the Chief Officer may cause which work to be done and the expenses incurred therefor shall be recoverable from the person concerned in the same manner as an amount due on account of a property tax.

(9) Any person who fails to comply with the notice issued by the Chief Officer under sub-section (8), shall, on conviction, be punished with fine which may extend to five thousand rupees.

(10) The Court convicting such person may also direct such person to demolish or alter the building in accordance with the order of the Chief Officer or in such other manner as the Court may deem proper and within the period specified by the Court. If such person fails to demolish or alter the building within the period specified by the Court, or in the manner required by the Court, he shall, on conviction, be punished with further fine which may extend to twenty-five rupees for every day after the expiry of the period for compliance specified by the Court in its order during which such non-compliance continues.

(11) Nothing in sub-section (8) or (10) shall be deemed to affect the power of the Council or the Chief Officer to demolish or alter the building under section 190.

(12) The Chief Officer, may at any time, inspect without giving notice of his intention to do so, any work of which notice is required by sub-section (2); and at any time during the execution of any work may, by written notice, specify any matter in respect of which the execution of such work is in contravention of any provision of this Act or of any bye-laws made under this Act or of any order passed under this section; and require the person executing such work to cause anything done contrary to any such provision or bye-laws or order to be amended or to do anything which by any such provision or bye-law or order he is required to do but which has been omitted.

(13) Any person aggrieved by an order of the Chief Officer made under sub-section (8) may prefer an appeal against the order to the Appellate Tribunal within the period specified in the order for the demolition of the construction or work to which it relates.

(14) Where an appeal is preferred under sub-section (13) against the order of demolition, the Appellate Tribunal may, subject to the provisions of sub-section (3) of section 184 C, stay the enforcement of that order on such terms, and for such purpose as it may think fit:

Provided that where the erection of any building or execution of any work has not been completed at the time of the making of the order of demolition, no order staying the enforcement of the order of demolition shall be made by the Appellate Tribunal unless security sufficient in the opinion of the said Appellate Tribunal has been given by the appellant for not proceeding

with such erection or work pending the disposal of the appeal.

(15) Subject to any order made by the Government on appeal under section 184-D, every order made by the Appellate Tribunal on appeal under this section, and subject to the orders of the Government and the Appellate Tribunal on appeal, the order of demolition made by the Chief Officer shall be final.

(16) Where no appeal has been preferred against an order of demolition made by the Chief Officer under sub-section (8) or where an order of demolition made by the Chief Officer under that sub-section has been confirmed on appeal, whether with or without variation, by the Appellate Tribunal in a case where no appeal has been preferred against the order of the Appellate Tribunal, and by the Government in a case where an appeal has been preferred against the order of the Appellate Tribunal, the persons against whom the order been made shall comply with the order within the period specified therein, or as the case may be within the period, if any, fixed by the Appellate Tribunal or Government on appeal and on the failure of the person to comply with the order within such period, the Chief Officer may himself cause the erection or the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an amount due on account of property tax.

(17) If an order made by the Chief Officer under sub-section (8) directing any person to stop the construction is not complied with, the Chief Officer may in addition to any other action that may be taken under this Act, may require any Police Officer to remove such person or his assistants and workmen from the premises or to seize any construction material, tool, machinery, scaffolding or other things used in the construction within such time as may be specified in the requisition and such Police Officer shall comply with the requisition accordingly.

(18) Any of the things caused to be seized by Chief Officer shall be disposed off by him in the manner specified in section 156.

(19) After the requisition under sub-section (18) has been complied with, the Chief Officer may, if he thinks fit, depute by a written order a Police Officer or a Municipal Officer or other Municipal employee to watch the premises in order to ensure that the construction is not continued.

(20) Where a Police Officer or a Municipal Officer or other Municipal employee has been deputed under sub-section (19) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such construction is being continued or to whom notice under sub-section (8) was given and shall be recoverable from such person as an amount due on account of a property tax".

Section 187. Roofs and external walls of buildings not to be made of inflammable materials.— (1) The external roofs and walls of buildings constructed or renewed after the appointed day, shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable material, except with the written permission of the Chief Officer, which may be given either specially in individual cases, or generally in respect of any area specified therein.

(2) The Council may by bye-laws prescribed—

(i) the areas in which permission shall be granted by the Chief Officer for the construction of external roofs and walls of buildings from any inflammable material;

(ii) the conditions which may be imposed by the Chief Officer in granting permission for such construction in any other area.

(3) The Chief Officer may at any time by written notice require the owner of any buildings which has an external roof or wall made of any such material as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the appointed day and whether it was made with or without the permission of the Chief Officer.

(4) An appeal shall lie to the Council against any order of the Chief Officer refusing the permission under sub-section (1) or against any notice given by the Chief Officer under sub-section (3), if made within fifteen days of the receipt of such refusal or notice, as the case may be.

(5) Whoever without such permission as is required by sub-section (1), makes or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such material as aforesaid, shall, on conviction, be punished with fine which may extend one hundred rupees, and in the case of a continuing offence with further fine which may extend to twenty-five rupees for every day after the first during which such offence continues.

Section 188. Completion certificate, permission to occupy or use.— (1) Every person constructing a building shall, within one month after the completion of construction of such building, deliver or send or cause to be delivered or sent to the Chief Officer at his office, notice in writing of such completion and shall give to the Chief Officer all necessary facilities for inspection of such building:

Provided that—

(a) such inspection shall be commenced within seven days from the date of receipt of the notice of completion, and

(b) the Chief Officer may, not later than one month from the date of receipt of the Notice of completion, by written intimation addressed to the person from whom the notice of completion was received,—

(i) give permission for the occupation of such building or for the use of the building or part thereof affected by such construction; or

(ii) refuse such permission in case such building has been constructed so as to contravene any provision of this Act or of any bye-law made under this Act at the time in force or of any order passed under section 184 intimating to the person who gave the notice under sub-section(2) of that section, the reasons for such refusal and requiring such person; or if the person responsible for giving notice under sub-section(2) of the said section is not at the time of such notice owner of such building, then such owner to cause anything which is contrary to any provision of this Act or of any bye-law made under this Act at the time in force or of any order passed under section 184 to be amended or to do anything which by any such provision or bye-law or order he is required to do but which has been omitted.

(2) No person shall occupy or permit to be occupied or use or permit to be used any such building constructed or part thereof affected by such construction, until—

(a) the permission referred to in proviso (b) to sub-section (1) has been received, or

(b) the Chief Officer has failed for one month after the receipt of the notice of completion to intimate as aforesaid his refusal of the said permission.

(3) Whoever—

(a) occupies or permits to be occupied any such building or part thereof affected by such construction without giving any notice as required under sub-section (1) or in contravention of the provisions of sub-section (2); or

(b) fails to comply with any order or requisition made under sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees, and in the case of continuing contravention or non-compliance with further fine which may extend to twenty-five rupees for every day after the first during which such contravention or non-compliance continues.

Section 189. Building for human habitation not to be used as godown etc. and vice versa.—(1) No person shall without the written permission of the Chief Officer or otherwise than in conformity with the terms of such permission,—

(i) use or permit to be used any building or part thereof originally constructed or authorized to be used

for human habitation as a godown, warehouse, workshop, workplace, factory, stable or a motor garage; or

(ii) use or permit to be used for human habitation any part of a building not originally constructed or authorized to be used for that purpose.

(2) If any person contravenes any provision of sub-section(1), he shall, on conviction, be punished with fine which may extend to five hundred rupees, and in the case of continuing contravention with further fine which may extend to ten rupees for every day after the first during which such contravention continues.

Section 197. Power to require sufficient drainage of houses.—(1) If any building or land be at any time undrained, or not drained to the satisfaction of the Chief Officer, the Chief Officer, subject to the control of the Council, may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as he may think necessary for the drainage of such building or land into—

(a) some drain or sewer, if there be a suitable drain or sewer within (fifty metres) of any part of such building or land; or

(b) a covered cesspool to be provided by such owner and approved by the Chief Officer.

(2) The chief Officer may, subject to the control of the Council, by written notice require any courtyard, alley or passage between two or more buildings to be paved by the owners of such buildings with such materials and in such manner as he may direct.

(3) Whoever fails to comply with the notice issued by the Chief Officer under sub-section (1) or sub-section (2) shall, on conviction, be punished with fine which may extend to one hundred rupees and in the case of continuing offence with further fine which may extend to ten rupees, for every day after the first during which such offence continues.

Section 210. Prohibition of certain acts affecting the municipal water works.—(1) A Council may, with the sanction of the Director, demarcate and notify the limits of the water-shed of any lake, tank, well or reservoir from which water is derived for the municipal water-work or use by the residents of the municipal area.

(2) Except with the permission of the Council, no person shall—

(a) erect any building for any purpose whatever within such limits;

(b) remove, alter, injure, damage or in any way interfere with any boundary marks of such water-shed;

(c) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the said limits; or

(d) carry on, within the said limits, any operation of manufacture, trade or agriculture in any manner, or do any act whatever, whereby injury may arise to any such lake, tank, well or reservoir or to any portion thereof or whereby the water of such lake, tank, well or reservoir may be fouled or rendered less wholesome.

(3) Except with the permission of the Chief Officer, no person shall—

(a) cause or suffer to percolate or drain into or upon any municipal water-work or to be brought therein to or thereupon anything, or to be done any act, whereby the water therein may be in any way fouled or polluted or its quality altered;

(b) alter the surface of any municipal land adjacent to or forming part of any such work by digging therein to or depositing thereon any substance;

(c) cause or suffer to enter into the water in such work any animal;

(d) bathe in or near such work;

(e) throw or put anything into or upon the water in such work;

(f) wash or cause to be washed in or near such work any animal or thing.

(4) Whoever contravenes any provision of sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

(5) Whoever contravenes any provision of sub-section (3) shall be deemed to have committed an offence punishable under section 277 of the Indian penal Code.

(6) When any person is convicted under sub-section (4), the Magistrate who convicts him may order the immediate removal of any building, or the immediate discontinuance of the operation or use of land, in respect of which such conviction has been held.

(7) If any order made under sub-section (6) is disobeyed or the execution thereof resisted, the offender shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to three hundred rupees, or with both.

Section 212. Prohibition of constructing drains, etc. near sources of water supply.—(1) The Chief Officer may, by a written notice, require the owner or occupier on whose land any drain, privy, water-closet, cesspool, or

other receptacle for filth or refuse for the time being exists within such distance as may be prescribed by bye-laws, from any spring, well stream, channel, tank, reservoir or other source from which water is or may be derived for public use, and which would be in a position where such source of water is likely to be injured or the water therein polluted, to remove or close such drain, privy, water-closet, cesspool or other receptacle for filth or refuse, within one week from the date of service of the notice.

(2) Whoever fails to comply with the notice under sub-section(l) shall, on conviction, be punished with fine which may extend to fifty rupees and in the case of continuing offence with further fine which may extend to five rupees for every day after the first during which such offence continues.

Section 218. Fencing and lighting during repairs, etc.—(1) The Chief Officer shall, during the construction or repair of any of the streets, drains or other premises vested in the Council, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains or post as he shall think fit, to be fixed across or in any street to prevent the passage of carriages, carts or other vehicles, or of cattle or horses, while such construction or repair is being carried on and shall cause any such construction or repair work in a street to be sufficiently lighted and guarded during the night.

(2) Whoever takes down, alters or removes any of the said bars, chains, or posts or removes or extinguishes any such light without the authority or consent of the Chief Officer, shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

Section 220. Hoards to be set up during repairs, etc.—(1) A person intending to construct or take down any building or to alter or repair any building externally shall, if the position or circumstances of the work is or are likely to cause or may cause obstruction, danger or inconvenience in any street, before beginning such work—

(a) first obtain permission in writing from the Chief Officer so to do; and

(b) cause sufficient hoards or fences to be put up in order to separate the area where the work is to be carried on from the street, and shall maintain such hoard or fence standing and in good condition to the satisfaction of the Chief Officer during such time as the Chief Officer considers necessary for the public safety or convenience, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the Chief Officer.

(2) Whoever contravenes any provision of sub-section (1) shall, on conviction, be punished with

fine which may extend to fifty rupees, and in the case of continuing contravention with further fine which may extend to ten rupees for every day after the first during which such contravention continues.

Section 221. Power to require precaution in place of public entertainments.— (1) It shall be the duty of the manager or proprietor of any place for public entertainment to make such provisions as may be prescribed by the bye-laws or if no bye-laws have been framed, as the Chief Officer may by written notice require, for the prevention and extinction of fire, and for the easy exit of the audience in case of fire.

(2) Any person who contravenes any provision of sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees and in the case of continuing contravention with further fine which may extend to twenty five rupees for every day after the first during which such contravention continues.

Section 225. Non-removal of filth, etc.— Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall, on conviction, be punished with fine which may extend to one hundred rupees, and in the case of continuing offence with further fine which may extend to twenty rupees for every day after the first during which such contravention continues.

Section 230. Filthy buildings, etc.— (1) If any building or land, whether tenantable or otherwise, is—

(i) in an insanitary, filthy or unwholesome state; or

(ii) in the opinion of the Chief Officer a nuisance to persons residing in the neighbourhood; or

(iii) overgrown with prickly-pear or rank and noisome vegetation, the Chief Officer may, by written notice, require the owner or occupier of such building or land to clean, limewash internally or externally, clear, or otherwise put such building or land in a proper state.

(2) Any person who fails to comply with the notice issued under sub-section (1) shall, on conviction, be punished with fine which may extend to one hundred rupees, and in the case of continuing non-compliance with further fine which may extend to ten rupees for every day after the first, during which such non-compliance continues.

Section 240. Penalty for contravention of provisions relating to dangerous diseases.— (1) Whoever knowingly contravenes any provision of section 232, 233, 235, 236, 237 or 238 or clause(d) of section 239, or disobeys any order or requisition made under any of the aforesaid sections, or obstructs any officer of the Council or other person acting under the authority of the Council in carrying out executively any such order shall, on conviction, be punished with, fine which may extend to two hundred rupees, and in the case of continuing offence with further fine which may extend to twenty rupees for every day after the first during which such contravention continues.

(2) Whoever contravenes any provision of clauses (a), (b) or (c) of section 239, or disobeys any order or requisition made under any of the aforesaid clauses, or obstructs any officer of the council or other person acting under the authority of the Council in carrying out executively any such order shall, on conviction, be punished with fine which may extend to one thousand rupees, and in the case of continuing offence with further fine which may extend to fifty rupees for every day after the first during which such contravention continues.

Section 243. Proceedings to abate overcrowding of interiors of buildings.— (1) Whenever the Council considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the Council may cause proceedings to be taken before an Executive Magistrate for the purposes of obtaining an order to prevent such overcrowding.

(2) Such Magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease and after such further inquiry, if any, as may appear to such Magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said buildings to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the owner of the said building shall have let the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be owner of the building.

(4) It shall be incumbent on any owner, to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfill the conditions prescribed in such requisition, written notice to vacate the said building within the period specified in such requisition, and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who after the date specified in any requisition issued under sub-section (2) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with the notice given to him under sub-section (4), shall, on conviction, be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

Section 245. Special powers in respect of overcrowding area.—(1) If the Council is of opinion that risk of disease has arisen or is likely to arise either to any occupier in, or to any inhabitant in the neighbourhood of, any part of the municipal area by reason of any of the following defects, namely:—

(a) the manner in which either buildings or blocks of buildings, already existing or projected therein, are, or are likely to become, crowded together; or

(b) the impracticability of cleansing any such buildings or blocks of buildings, already existing or projected; or

(c) the want of drainage or scavenging, or the difficulty of arranging therein for the drainage or scavenging of any such buildings or blocks as aforesaid; or

(d) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or group of buildings, the Council may, if any of its powers are not withdrawn under the last preceding section, exercise the following powers, namely:—

(i) power when any building or block already existing or in course of erection, by reason of any defect specified in clause (a), (b), (c) or (d), has given or is in the opinion of the Council likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicuous part of such building or block and addressed, as the Council deems fit, either to the owners thereof or to the owners of the land on which such building or block is erected or is in course of erection that the persons so addressed shall, within such reasonable time as shall be specified in the notice, either pull down or remove such building or block, or execute such works or take such action in connection therewith as the Council deems necessary to prevent such risk;

(ii) power by municipal or other agency to pull down or remove such building or block, or to execute such works or to take such action as aforesaid, if the persons addressed in the said notice neglect so to do within the time specified therein.

(2) When, in pursuance of any notice under sub-section (1), any building has been pulled down, the Council shall, unless such building has been erected contrary to any provision of this Act or of any bye-law

in force thereunder, pay to such owner or occupier as may have sustained damage thereby, reasonable compensation, the amount of which shall, in case of dispute, be ascertained or determined in the manner provided in section 315.

3) Whoever commits a breach of any notice given or of any condition imposed by the Council in exercise of any power under this section shall, on conviction, be punished with fine which may extend to five hundred rupees.

Section 246. Council to provide or permit burning and burial grounds.—(1) A Council may, with the previous sanction of the Collector, provide suitable places for burning or burying or otherwise disposing of dead bodies and may charge for the use of any such place or for the supply of any material such fees as the Council may from time to time determine.

(2) No person shall, after the appointed day, open or provide any new place within the municipal area for the disposal of dead bodies, except with the permission of the Council:

Provided that—

(i) no such permission shall be granted by the Council without the sanction of the Collector;

(ii) in granting such permission, it shall be lawful for the Council to impose, with the sanction of the Collector, such conditions as it may deem fit.

(3) The Council may at any time by a general or special notice require any person owning or maintaining any place for the disposal of the dead on the appointed day, to take such measures to maintain such place in good order and in a safe sanitary condition as may be specified in the notice or may apply to the Collector under the next succeeding section to close the place.

(4) The conditions to be imposed under sub-section (2) or the measures required to be taken under sub-section (3) shall not be inconsistent with any bye-laws framed by the Council for the maintenance of places for the disposal of the dead, due regard being had to the religious usages of the community or section of the community entitled to use of such place.

(5) Any person who contravenes any provision of sub-section (2) shall, on conviction, be punished with fine which may extend to five hundred rupees.

Section 247. Closing of places for disposal of dead.—(1) Where the Council is of opinion that any place for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, or that any such place should be closed for any other reason, the Council may submit its opinion with the reasons therefor to the Collector and the Collector

thereupon, after such further inquiry if any, as he shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(2) A copy of the said notification together with a translation thereof shall be published in the local newspapers, if any, and shall be posted up at the municipal office and in one or more conspicuous spots on or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

Section 252. Private market, etc., not to be held without licence.— No person shall use or allow to be used anyplace in municipal area—

(i) as a private market; or
(ii) as a private slaughter-house; or
(iii) for the storage or sale of flesh or fish or animals or birds intended for human food, except under and in accordance with the conditions of a licence granted in accordance with the provisions of the bye-laws made in this behalf:

Provided that no licence under this section shall be required for selling or storing of flesh or fish contained in hermetically sealed receptacles.

(2) Whoever uses or allows to be used any place for any of the purposes specified in sub-section (1), without a licence, or in contravention of any conditions subject to which a licence may have been granted under sub-section(1) shall, on conviction, be punished with fine which may extend to five hundred rupees if the contravention is of clause(i) or (ii) of sub-section(1) and with fine which may extend to one hundred rupees if the contravention is of clause (iii) of that sub-section, and in the case of continuing contravention of the said clause (i) or (ii) with further fine of fifty rupees, and of the said clause (iii) with further fine of ten rupees, for every day after the first during which such contravention continues.

Section 259. Control on preparation of food, eating houses, hotels, lodging houses, etc.— (1) No person shall use or permit to be used any premises in the municipal area —

(a) as an eating house, tea or coffee shop, restaurant, dining-saloon, refreshment room or for a like purpose; or
(b) for the preparation or sale for the purposes of trade of any article of human food or drink; or

(c) as a hotel or a lodging house, except under and in accordance with the conditions of a licence granted under the provisions of the bye-laws made in this behalf.

(2) The Chief Officer may enter and inspect any premises used for any of the purposes specified in sub-section (1) and may inspect any goods, vessels or implements or other articles used for such purposes and may by written notice require the owner or the person in charge of such premises to take such reasonable measures as may be specified in the notice for the cleanly conduct of such business or may require the use of the premises for such purpose to be discontinued.

(3) Whoever uses or permits the use of any premises in contravention of the provisions of sub-section (1), or whoever refuses to comply with any notice issued by the Chief Officer under sub-section(2), shall, on conviction, be punished with fine which may extend to five hundred rupees and in the case of continuing offence with further fine which may extend to fifty rupees for every day after the first during which such offence continues.

Section 263. Factory, etc. not to be established without licence.— (1) No person shall, without a licence granted in accordance with the bye-laws made in this behalf, establish or materially alter, enlarge or extend or permit the establishment, material alteration, enlargement or extension of any factory, workshop or place of business in which it is intended to employ steam, electricity, water or other mechanical power.

(2) The Council may after giving the applicant a reasonable opportunity of being heard and recording the reasons refuse to grant a licence if it is of the opinion that the establishment, alteration, enlargement or extension of such factory, workshop or place of business would be objectionable by reason of the density of the population in the neighbourhood thereof, or would be a nuisance or danger to the inhabitants of the neighbourhood.

(3) Whoever establishes, alters, enlarges or extends or permits the establishment, material alteration, enlargement or extension of any such factory, workshop or place of business without a licence or in contravention of any condition subject to which the licence may have been granted shall, on conviction, be punished with fine which may extend to one thousand rupees.

Explanation.— Nothing in this section of section 265 shall be deemed to affect any provision of the Indian Boilers Act, 1923 or authorize any order relating to the fixing or fencing of any engine, mill-gearing, hoist or other machinery in any factory to which the provisions of the Factories Act, 1948, are applicable.

Section 266. Certain articles not to be kept without licence.— (1) No person shall keep or allow to be kept in or upon any premises any article specified in Schedule VIII, except under and in accordance with the conditions of licence granted under the provisions of the bye-laws made in this behalf.

(2) No person shall, except under and in accordance with the conditions of a licence granted under the provisions of the bye-laws made in this behalf, keep or allow to be kept—

(a) any of the articles specified in Part I of Schedule IX in or upon any premises in quantities exceeding at any one time the respective maximum quantities specified opposite such article; or

(b) any of the articles specified in Part II of the said Schedule in or upon any premises for sale or for purposes other than domestic use.

(3) Whoever keeps in or upon any premises any article in contravention of the provisions of sub-section (1) or (2), or in contravention of any conditions subject to which a licence may have been granted shall, on conviction, be punished with fine which may extend to two hundred rupees, and in the case of continuing offence with further fine which may extend to twenty rupees for every day after the first during which such offence continues.

(4) The Chief Officer may at any time enter upon any premises and may seize any article kept in contravention of the provisions of sub-section (1) or (2) or in contravention of any conditions subject to which a licence may have been granted under sub-section (1) or sub-section(2).

Section 270. Impounding Cattle.— (1) It shall be the duty of every police officer and it shall be lawful for any municipal officer or servant authorized by the Chief Officer in this behalf to seize and take to any public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property within the municipal area.

(2) It shall be lawful for any person who is the owner or who is in-charge of any private or public property to seize and take to any such public pound for confinement therein, any cattle trespassing upon such property or causing damage thereto.

(3) Whoever forcibly opposes the seizure of cattle liable to be seized under this section, and however rescue the same after seizure, either from a pound or from any person taking or about to take them to a pound, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Section 276. Penalty for allowing cattle to stray in street or to trespass upon private or public property.— (1) Whoever, within a municipal area, allows any cattle which are his property or in his charge to stray in any street or to trespass upon any private or public property shall, on conviction, be punished—

(i) for the first offence, with fine which may extend to three hundred rupees;

(ii) for a second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) The Magistrate trying the offence under sub-section (1) may order—

(a) that the accused shall pay such compensation not exceeding two hundred and fifty rupees as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to the produce of land, by the cattle under the control of the accused, trespassing on his land; and also,

(b) that the cattle in respect of which an offence has been committed shall be forfeited to the Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section.

(4) An offence under this section shall be cognizable.

Section 277. Tethering cattle, etc.— Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall, on conviction, be punished—

(a) for a first offence, with fine which may extend to one hundred rupees;

(b) for a second or subsequent offence, with fine which may extend to two hundred and fifty rupees.

Section 278. Provision as to dogs.— (5) The Chief Officer may at any time destroy, or cause to be destroyed, or confine or cause to be confined, for such period as he may consider necessary, any dog or other animal suffering from rabies or reasonably suspected to be suffering from rabies or bitten by any dog or other animal suffering or suspected as aforesaid.

Section 279. Provisions as to keeping of pigs.— (1) If it shall appear to any Council at any time that nuisance or annoyance is caused to the public by keeping of pigs within the municipal area or any part thereof; the Council may direct by public notice that no person shall, without the written permission of the Chief Officer, or otherwise than in conformity with the terms of such permission, keep any pigs in the municipal area or any specified part thereof.

(2) Whoever after such direction keeps any pigs in any within the municipal area or specified part thereof without the permission required as aforesaid, or otherwise than in accordance with the terms thereof, shall, on conviction, be punished with fine which may extend to fifty rupees.

Section 281. Provisions as respects institution, compounding etc., of criminal actions.— (5) Notwithstanding anything contained in the Code of Criminal Procedure, " 1973 (Central Act 2 of 1974)" all offences punishable under this Act or the rules or bye-laws made thereunder may be compounded by the Chief Officer, but only with the permission of the Court before which any prosecution for such offence is pending, or when accused has been committed for trial or when he has been convicted and an appeal is pending, with the leave of the Court to which he is committed, or, as the case may be, before which the appeal is to be heard.

(6) The Chief Officer shall before compounding any offence under the last preceding sub-section obtain the approval of the Standing Committee, and the Standing Committee shall not accord its approval unless the accused pays by way of composition of the offence such sum as may be determined by it. Such sum shall not be less than one-fourth of the maximum amount of fine prescribed for the offence and if the fine prescribed therefor is unlimited shall not be less than two hundred and fifty rupees.

(7) The composition of an offence under this section shall have the effect of an acquittal of the accused with which the offence has been compounded.

(8) The expenses of all prosecution or proceedings shall be paid out of the municipal fund.

Section 284. General penalty.— Whoever —

(a) does or omits to do any act in contravention of any provisions of this Act, or the rules or bye-laws made thereunder; or

(b) disobeys or fails to comply with any lawful direction given by any written notice or order issued by or on behalf of a Council under any power conferred by or under this Act; or

(c) fails to comply with the conditions subject to which any permission or licence was given to him by or on behalf of a Council under any power conferred by or under this Act; or

(d) when lawfully called upon by the Chief Officer or any officer duly authorized to supply any information in his possession which may be required for the purpose of this Act or of any rules or bye-laws made thereunder; fails to supply such information or willfully supplies false information, shall, if no other penalty is provided for the offence, on conviction, be punished with fine which may extend to one hundred rupees, and in the case of continuing offence with further fine which may extend to ten rupees for every day after the first during which such contravention continues:

Provided that, when a notice or order fixes a time within which a certain act to be done, and no time is specified by or under this Act, it shall rest with the Magistrate to determine whether the time so fixed was reasonable time.

Section 285. Minimum penalty for offences under this Act.— In every case in which a person is convicted for an offence punishable by or under this Act and the Court considers that he should be sentenced with fine only, then in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, the fine to be imposed on him shall not be less than one-fourth of the maximum amount of fine prescribed for that offence, and if the fine prescribed for that offence is unlimited, shall not be less than two hundred and fifty rupees.

Section 314. Proceedings, if any occupier opposes the execution of the Act.— If any occupier of any building or land prevents the owner thereof from carrying into effect in respect of such building or land, any of the provisions of this Act, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any Executive Magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land as may be necessary for carrying into effect the provisions of this Act, and may also, if he

thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continues to refuse to permit such owner to execute any such work, such occupier shall, on conviction, for every day during which he so continues to refuse, be punished with fine which may extend to fifty rupees and every such owner, during the continuance of such refusal, shall be discharged from

any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Assembly Hall,
Porvorim,

S. A. NARVEKAR
Secretary Legislature.

7 August, 2002.